

ORTIZ & ORTIZ, L.L.P.
32-72 Steinway Street, Ste. 402
Astoria, New York 11103
Norma E. Ortiz
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Debtor's Proposed Counsel

Hearing Date: March 30, 2016
Time: 10:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

FAM MOZA CORP., D.B.A. MAYA
COCINA & TEQUILA BAR,

Case No. 15-23772-rdd

Debtor.

Chapter 11

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NOTICE OF HEARING ON MOTION TO DISMISS CHAPTER 11 CASE

PLEASE TAKE NOTICE, that upon the annexed Motion dated February 18, 2016 (the "Motion"), of Fam Moza Corp., d.b.a. Maya Cocina & Tequila Bar (the "Debtor") the undersigned will move before the Honorable Robert D. Drain, United States Bankruptcy Judge, in the United States Bankruptcy Court of the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on the **30th day of March, 2016 (the "Hearing Date")**, at **10:00 a.m.**, or as soon thereafter as counsel may be heard, for the entry of an order pursuant to Section 1112(b) of Title 11, United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), to dismiss the Chapter 11 case of the above-captioned debtor. The Debtor may request such other and further relief as is just and equitable at the hearing.

PLEASE TAKE FURTHER NOTICE, that you need not appear at the aforesaid hearing if you do not object to the relief requested in the Motion.

PLEASE TAKE FURTHER NOTICE, that any response to the Motion must (a) be in writing and (b) must be filed with the Clerk of the Bankruptcy Court electronically at www.nysb.uscourts.gov. If you do not have the ability to file an objection electronically, the objection may be filed with the Clerk of the Court by presenting the Clerk with a copy of the objection saved on a diskette or compact disk in .pdf format by the date stated above. A copy of the objection must be provided to (a) the Chambers of the Robert D. Drain and (b) Ortiz & Ortiz, L.L.P., 32-72 Steinway Street, Ste. 402, Astoria, New York 11201, so as to be received no later than **seven (7) days** before the hearing. The objection must comply with the Bankruptcy Rules and the Local Bankruptcy Rules of the court and must state with particularity the legal and factual bases for such objection.

Dated: Feb. 16, 2016
Astoria, New York

S/Norma E. Ortiz

Norma E. Ortiz
ORTIZ & ORTIZ, L.L.P.
32-72 Steinway Street, Ste. 401
Astoria, New York 11103

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

FAM MOZA CORP., D.B.A. MAYA
COCINA & TEQUILA BAR,

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Debtor.

Chapter 11

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MOTION TO DISMISS CHAPTER 11 CASE

Fam Moza Corp., d.b.a. Maya Cocina & Tequila Bar (the “Debtor”), by and through its proposed counsel Ortiz & Ortiz, L.L.P., hereby states as follows:

BACKGROUND

1. The above-captioned debtor filed a voluntary Chapter 11 petition on December 16, 2015. The Debtor has remained in possession under 11 U.S.C. § 1107; no unsecured creditors’ committee was appointed in its case.
2. The Debtor operates a restaurant in Scarsdale, New York. It filed its petition on an emergent basis as a result of a threat to close the business by the New York State Department of Taxation. The Debtor sought the Court’s protection so that it could file a plan of reorganization, and repay its tax obligations over time.

3. Since the petition date, the Debtor has received a proof of claim from New York State that asserts an amount due for taxes that is substantially higher than previously asserted. The Debtor has reviewed the claim with its accountant, and determined that it is not generating sufficient revenue to satisfy its obligations to New York State under a plan of reorganization.

4. In addition to the foregoing, the Debtor is located in a mall that has lost its key tenant. The Debtor has witnessed a steady decline in its customer bases as a result of the loss of

customers to the mall.

5. Finally, the Debtor's lease has expired by its own terms. Although the Debtor's landlord has represented that it would provide the Debtor with a new lease, it has not done so for many months.

RELIEF REQUESTED

6. The Debtor requests that the Court dismiss its case pursuant to 11 U.S.C. § 1112(b). The Debtor has concluded that it can not reorganize its affairs under its present circumstances. It is not generating sufficient revenue to satisfy its tax debt, and the loss of customers does not bode well for future operations. Furthermore, without a lease, the Debtor can not guarantee that it can remain in its present location. For these reasons, the Debtor believes it can not successfully reorganize its affairs and prosecute its Chapter 11 proceeding.

7. Prior to the return date of this Motion, the Debtor intends to confer with the U.S. Trustee's Office regarding the payment of quarterly fees. A statement of disbursements will be prepared and provided to the U.S. Trustee to ensure that the proper amount of quarterly fees are paid before the case is dismissed.

8. Based upon the foregoing, the Debtor requests that the Court enter the annexed proposed order dismissing this case.

WHEREFORE, the Debtor requests that the Court grant the relief requested above and grant such other and further relief as the Court deems appropriate and just.

Astoria, New York
February 16, 2016

S/Norma E. Ortiz
Norma E. Ortiz
Ortiz & Ortiz, L.L.P.
32-72 Steinway Street, Ste. 402
Astoria, New York 11103
Tel. (718) 522-1117
Proposed Counsel to the Debtor

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

FAM MOZA CORP., D.B.A. MAYA
COCINA & TEQUILA BAR,

Case No. 15-23772-rdd

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ORDER DISMISSING CASE PURSUANT TO 11 U.S.C. § 1112(b)

Upon the Motion to Dismiss Chapter 11 Case filed by Fam Moza Corp., d.b.a. Maya Cocina & Tequila Bar (the “Debtor”) dated February 16, 2016 (the “Motion”); a hearing having been held on the Motion on March 30, 2016; proper notice having been given, and cause having been shown for the relief requested, it is hereby

ORDERED, that the Motion is granted; and it is further

ORDERED, that the Chapter 11 case commenced by the above-captioned debtor is hereby dismissed pursuant to 11 U.S.C. § 1112(b); it is further

ORDERED,

Dated: New York, New York
March , 2016

Robert D. Drain
U.S. BANKRUPTCY JUDGE